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HISTORY

—OF THE—

ORIGIN AND DEVELOPMENT

—OF THE—

Doctrine of State Sovereignty.

Tracing the Sentiment of State and Sectional Animosity, from its
Earliest Sources in the Settlement and Growth of the
Several Colonies, through the Periods of the
Continental Congresses, Confed-
eration and Constitu-
tional Union,
Down to its Culmination in Secession and Reference
to the "Arbitrament of War."

—BY—

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*To William H. Mace, A. M., Professor of History
in Syracuse University, this work is respectfully
dedicated.*



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PREFACE.

There are a few crises in World History, and a few principles, evolved in the slow but momentous sequence of events that constitute certain epochs in the progress of the human race, which are of transcendent interest to the student of modern political institutions and their manifest philosophical and historical significance as the harbinger of Universal Peace. Such an epoch was the sixty years of lurid grandeur, during which a sterile corner of rock-ribbed Hellas developed one of the three great principles of that system of government, which is destined to universal sway. Athens demonstrated to the world the political virtues of Local-Self-Government. Again, in the Augustan Age of Rome, another of the requisite elements of this slowly unfolding system was exhibited to mankind. In that glorious period were achieved the best results that can ever be attained by Strong-Centralized-Force. But one great principle now remained undiscovered, in order to constitute that obviously most excellent of all systems of government; and, during the period

between the first settlements on this Continent and the close of the War of Secession, that principle was evolved, applied on a grand scale, and thoroughly tested. Federation comprises within itself both of the preceding elements noted, Centralization, and Local Autonomy. Switzerland had, previously to the formation of the American Union, elaborated a federal system of admirable arrangement and design; but it had been restricted in its application to the narrow confines of a few small Cantons, secure within their Alpine fastness from extrinsic influence and intervention.

To America must ever belong the proud honor of having first illustrated to the world the possibility of Universal Peace, by the federation of over thirty discordant States, separated by three thousand miles of space, and by all the diversified interests of a great Continent.

Throughout the period between the victory of Wolfe at Quebec, when this Continent was saved to the English race, and all their ardent love of liberty and propensity for the elaboration of great political systems was secured to the Colonies of the Atlantic Seaboard to be used in the fabrication and development of this great Occidental Empire, down to the close of the Civil War, there was one great disintegrating force at work in American politics; and it was around this—the contention of State

Sovereignty against National Unity—that all the minor contests arranged themselves.

This centrifugal force, even at the period of greatest acceleration of motion of our political machinery, was found to be unequal to the concomitant centripital force, which bound the Nation in a federal unit. The experiment, made at such an enormous cost of life and property, having, under circumstances most favorable to its success, demonstrated the converse of the proposition intended to be proved, is not likely to be ever again resorted to, especially, since the influences set in operation by that experiment have gone far to strengthen the sentiment of nationality, which subsequent events have greatly intensified.

The delineation of the salient features of this long struggle of principles contending for supremacy on the American Continent is the somewhat arduous task essayed by the author of this work. Of course, in dealing with so long a period of time, and with a territory comprising at one time so many different colonies, and at another such a great and powerful nation, we can hope, within the limits of so circumscribed a volume, to depict only those events, fraught with greatest consequence in the evolution or retardation of the Doctrine of State Sovereignty, or of Local Autonomy carried to the extreme of peaceful separation or Secession by Force. The

work begins with the contest in 1620 between the Northern Colony of New England and the Southern Colony of Virginia, over the fisheries on the coast, and ends in 1865, with the victory of Appomattox, and the close of the great struggle between the North and the South over the Slavery Question.

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3. Jackson's Nullification Proclamation. 4. The Compromise Tariff of 1833.

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7. The Kansas-Nebraska Bill. 8. The Lincoln-Douglas Debate. 9. The Campaign of 1860.

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1. References. 2. Reconstruction.

PART I.

THE COLONIAL PERIOD (1600-1776).

SECTION I.

GENERAL STATEMENT.

Events frequently may be traced to causes obscured by the long lapse of time. Differences in the religious, geographical, economical and social conditions of peoples frequently perpetuate themselves in permanent differences of character, interests, society and government; these when they meet and clash become the causes of contention, separation and enmity.

The public assertions of the doctrine of State Sovereignty, and the deplorable attempt at a practical application of that principle in the history of this nation certainly sprang from a clashing of institutions or conditions; now these differences in institutions and conditions may be traced, in part, to influences and forces set in operation during the settling and early development of the Colonies.

SECTION II.

TERRITORIAL CONTROVERSIES (1620-1800).

1. *REFERENCES.*

PRIMARY SOURCES:—Bancroft, I, 200-45; Boundaries of Connecticut, 1-79; William's History of Vermont, 200-302.

SECONDARY SOURCES:—Hildreth, I, 268; Fiske, American Revolution, 147-50; Epochs of American History, 149-84; McMaster, 200-80; Windsor, V, 259-70.

2. *DISPUTES OVER THE FISHERIES.*

In 1606 the English Government incorporated two companies, known respectively as the Northern and the Southern Colony of Virginia. On petition of Sir Ferdinando Gorges, the "Council for New England" was incorporated, November 3, 1620, during the reign of James I. Henceforward the Southern Colony was known as Virginia, and the Northern Colony as New England.

Gorges in his patent had secured the exclusive privilege of fishing on the New England coast to the members of his own company. This gave rise to a long and acrimonious controversy between the representatives of the two Colonies in the British Parliament. This contest resulted in bitter hostility between the colonists themselves, since the people of

the Southern Colony continued to encroach upon the New England fishing-grounds. In 1635 the "Grand Patent," as it was called, was surrendered, and a division of the territory among the several members of the New England Company was effected. Massachusetts was settled under grants from the "Council for New England."

3. *MASSACHUSETTS.* (1640-1686.)

From 1640 to 1660 Massachusetts was practically an independent commonwealth. During that period she completed a system of laws and government. Being the oldest and strongest, she was always aggressive towards the other colonies. In 1642 she annexed the New Hampshire towns, and a few years later absorbed the Maine settlements, then neglected by the Masons, who had obtained possession of them under grant from the King. In 1675 the Masons and Gorges entered complaints against Massachusetts for illegally seizing the territory of Maine and New Hampshire. Other complaints were also made against Massachusetts; the King charged a violation of the Acts of Navigation and Trade. The Royal Commissioners appointed to investigate the charges separated both Maine and New Hampshire from the Bay Colony, but they were soon afterward reunited to her. In 1679, the King demanded that Maine should be surrendered by Massachusetts to the

Crown as a royal possession. An evasive answer was given by Massachusetts, and in 1684 her charter was declared annulled, and two years later Andros was sent over as a Royal Governor. The charters of Maine, Plymouth and New Hampshire were also annulled at this time and they were included within the territory over which Andros was authorized to act as Governor. The colonists were much chagrined that their charters should be disregarded by James II, and they did not look kindly upon their new Governor. They were also opposed to the union of the several colonies under one government. There was a spirit of local pride and a desire for complete autonomy in each.

4. *RHODE ISLAND AND CONNECTICUT.*

Rhode Island and Connecticut soon experienced the fate of New Hampshire and the other northern colonies in having their charters taken away from them, and being placed under the governorship of Andros; and it was not long before New York and New Jersey were also compelled to submit to the authority of the Royal Governor. Andros was tyrannical, and his manner of treating the colonists did much to unite them in opposition to his government. But the sentiment of local self-government was strong, and on the overthrow of Andros in 1689 and the return of the old charters to all the colonies,

except Maine, they each set up their separate colonial government again. Maine, whose charter had been withheld by the Crown, continued under the government of Massachusetts, now including under a new charter Plymouth and Acadia. This spirit of local independence of each other characterized the colonies down to the time of the Revolution. It originated in the necessary isolation of the several settlements, and was developed and enhanced by the diversity of interests and institutions which gradually came to differentiate one colony from another, and by the jealousies engendered by contentions over territory and by rival prosperity. Thwaites says: † "It was fortunate for American liberty that a scheme of a consolidation of the New England colonies was put forward by the Stewarts too late for accomplishment. It was also fortunate that Massachusetts was flanked by and often competed with by her neighbors, Plymouth, Connecticut, Rhode Island, and New Hampshire, who were protected against her by a jealous government in England, and that the Dutch cut off her ambitious territorial aspirations to the west. In the separate colonial life was sown the spirit of local patriotism which is now embodied in the American States. In New England, as in the South, there was a leading but never a dominant colony; the smaller ones shared

† Epochs of American History, vol. i, p. 177.

the experiences of the larger, but were freer from calamitous charges, and enjoyed, in some respects, governments which were more immediately under the control of the people."

5. *MAINE AND NEW HAMPSHIRE.*

When the division of lands had taken place among the members of the Council of New England, Maine fell into the possession of the Gorges, as has already been noted. Gorges having died in 1647, the government of the colony came into the hands of the colonists themselves. Their government being very inefficient, they came gradually to look for protection against their Indian neighbors to the strong government of Massachusetts. † The result was, as we have seen, Maine was finally annexed and for a long time remained under the control of Massachusetts.

New Hampshire was the possession of the Masons. The proprietary government which they established continued until the time of Dudley and Andros, when the colony was united to New York. Afterwards New Hampshire was for a short time under the government of Massachusetts. These were all forced unions.

6. *THE NEW ENGLAND UNION.*

The first proposition of union among the colonies

† Justin Winsor. *Narrative and Critical History of America*, vol. iii, p. 219-222, 295-339.

was made by Connecticut soon after the close of the Pequod War. In 1643, delegates from Connecticut, Massachusetts, Plymouth and New Haven met at Boston. They believed that since they were surrounded on all sides by † “people of several nations and strange language”, a union for mutual protection and defense was desirable. Twelve articles of Confederation were adopted, and the league was denominated “The United Colonies of New England”. Maine and Rhode Island applied for admission to the union, but were refused, because their government and institutions differed from those of the colonies in the league.

The New England confederacy was merely a league, and not a government. Each province was jealous of the others, and all propositions had to receive the sanction of the several colonial legislatures before they became a law. The duty of the “general government” was to “consider circumstances and recommend measures for the general good”, ‡ says Lossing. There was not the slightest abrogation of the doctrine of absolute individual sovereignty; and it was the jealousy of the other colonies of the preponderating influence and dictatorial demeanor of Massachusetts that finally disrupted

† Thwaites. Epochs of American History, vol. I (see topic).

‡ Lossing. Our Country, vol. I, page 386.

the union, after forty years of rivalry, disagreement and contention.

7. VERMONT (1664-1791).

The first settlement in Vermont was made in 1724. The Governor of New Hampshire had given grants of land west of the Connecticut River. The King in 1664-1674 granted to the Duke of York "All lands between the western bank of the Connecticut River and the eastern shore of Delaware Bay". Thus rival claims were established. New York organized this territory into four counties, and began proceedings to revoke the grants given by the New Hampshire governors, and to give new grants to the same lands.

The people of this territory in controversy opposed the execution of the laws passed by New York, depriving them of their lands, and resisted the New York Militia, which was sent to enforce the judgments obtained from the New York courts. Ethan Allen and Seth Warner espoused the cause of the people. A petition to the King met with Royal favor, and the government of New York was ordered to cease to give grants of land in this territory. But, notwithstanding the Royal mandate, New York continued to give grants and to seize the lands, and resistance to her officers was declared to be treason and punishable by death. The townships west of the Green Mountains organized for resistance. A

petition to the Congress of 1775 was lost sight of in the struggle with the mother country. In 1777, independence having been declared, the towns composing this disputed territory organized themselves into a new state, and petitioned Congress for admission to the Confederation. But Congress, fearing that her interference might alienate some of the states, refused to be entangled in the controversy.

New Hampshire then came forward and acknowledged the independence of Vermont. At that time the State of New Hampshire included within its territory a part of what is now the State of Vermont. On account of the natural division, that part of New Hampshire located west of the Connecticut River petitioned Vermont for admission to that State. New Hampshire objected and carried the dispute into Congress again. Congress affirmed the position of New Hampshire, and stated that if Vermont would vacate her claim to those towns west of the Connecticut River, no one, save New York, would refuse to recognize her as a State. But Vermont could not vacate her claim to those towns without causing her internal dissolution; for if their wishes were not respected, all the towns east of the mountains would follow them over to New Hampshire. Finally all that part of Vermont located east of the mountains did withdraw from the State, whereupon New Hampshire laid claim to the whole of Vermont.

Congress was again petitioned, but fearing lest she should offend some of the States, deferred action.

Vermont then petitioned for admission to the Union of the Colonies, and threatened a cessation of hostilities against Great Britain unless her rights were recognized. A correspondence between several prominent men of Vermont and the British generals was begun, and although it subsequently transpired that no treasonable advice was given to the enemy, still it sufficed to bring Congress to terms, and a bill was passed admitting Vermont. But still another difficulty occurred; boundaries were proposed which were not satisfactory to Vermont, and, accordingly, the terms of admission were rejected. A civil war was now threatened, and Washington, in the interests of all, hastened to advise the acceptance of the terms of Congress. But, when Vermont, for the sake of internal harmony, now avowed herself to be willing to acquiesce in the advice of the commander of the Continental forces, Congress delayed action, much to the chagrin of that State, which had surrendered her own rights for the general pacification.

The matter was allowed to drift until after the adoption of the Federal Constitution, when, in 1790, Kentucky was to be admitted into the Union, Vermont was required to maintain the balance between the Southern and the New England States. A convention of commissioners from New York and Vermont

finally settled the long dispute in 1791. Vermont paid an indemnity of \$30,000 to New York, and was in turn recognized as a free State and admitted into the Union. †

8. *MARYLAND AND VIRGINIA* (1635-1785).

There was a long continued dispute between Maryland and Virginia over their boundaries, which is of some importance in the history of the nation, as it led by a closely connected train of events, to the calling of the convention which framed the Federal Constitution. The Maryland charter was ambiguous in that it defined the boundary between that colony and Virginia as coincident with the course of the Potomac River, without stating which of the two branches of that river was intended to be designated. It was also uncertain whether the boundary extended in a straight line from the source, or whether it followed the circuitous course of the river.

Claiborn stirred up a feud between the inhabitants of the two colonies, and appealed the case to the Privy Council in England. The Privy Council sustained Baltimore's Charter. This Charter was again recognized as the legal Charter of Maryland, by the Articles of Confederation. Finally the imposition of excessive tariffs on the Potomac,

† Williams. History of Vermont, p. 210-310.

brought about by commercial restriction imposed by one Colony on the commerce of the other, and retaliation by a counter tariff, led to the calling of a convention of representatives from the two States, by Madison, in 1785, for the purpose of settling the dispute.

This Congress is known as the Alexandrian Convention. The commissioners, finding it difficult to agree upon a remedy, and preceiving that similar conditions of commercial warfare existed between other States, advised the calling of a National Convention. The Convention called in pursuance to this suggestion met at Philadelphia, ostensibly for the purpose of settling the commercial disputes existing between the several States. To that end it had been given power and authority to propose amendments to the Articles of Confederation, under which the National Government was then fast disintegrating into a condition, which all agreed was worse than anarchy. This Convention won for itself imperishable fame by disregarding its instructions, and drafting a new Constitution.

9. *MINOR DISPUTES.*

There were also several disputes over territories which are of minor importance. In 1783, Massachusetts claimed a block of territory east of Lake Erie, comprising about one fourth of the present State of

New York. Another strip of land was claimed by both Massachusetts and Virginia. Just south of this was a long strip of territory, the possession of which was disputed by Connecticut and Virginia. The latter State also claimed all of what is now Northern Michigan.

There was another little strip of territory, included in the Northern part of the State of Pennsylvania as at present organized, which was the subject of bitter contention between Connecticut and Pennsylvania. This was called the Wyoming Territory. In 1782, the Federal Court, into which the controversy had been carried, decided in favor of Pennsylvania. Thereupon, Patterson of the last named State, at the head of an armed force, marched into the Territory and drove the settlers away. Much cruelty was shown, and many perished of famine and exposure. Connecticut at once flew to arms, and a battle between the two forces was fought. Public opinion was now at fever heat. At length Pennsylvania disavowed the action of Patterson, and a civil war was thus averted, but a bitter animosity had been aroused by the affair, which it required a long time to eradicate.

Claims were also made to what was known as the Narragansett Territory by Connecticut, Massachusetts and Rhode Island. The dispute was finally settled in 1742. A part of the boundary between

New York and Connecticut was not settled until 1880.

Such were the controversies between the several Colonies over their territorial boundaries, the immediate and remote effects of which were apparent in the Convention that framed the Constitution, and lasted long after the present Government came into existence.

10. *RACE AND SECTIONAL DISPUTES.*

Besides these disputes between individual States, there was a long rivalry between the Dutch possessions on the Hudson and New England; between both the Dutch and English, and the French, who were constantly encroaching upon the territory of the latter. In the South there were disputes between the Spanish and English settlements. There were also disputes between the Northern and Southern English Colonies over the fisheries, commerce, and circumstances arising from the fact that one was a seafaring and manufacturing, while the other was an agricultural people.

SECTION III.

SOCIAL AND ECONOMICAL CONTRASTS BETWEEN THE
COLONIES (1676-1776).

1. *REFERENCES.*

PRIMARY SOURCES:—Boon's Education in the

United States; Doyle's English Colonies, I. 380-395; Johns Hopkins Series (Maryland, Virginia, and Washington); Lodge. American Colonies, 5-75, 112-132, 150-204; Palfrey. History of New England.

SECONDARY SOURCES:—Johnston. American Politics; Epochs of American History (see topic); Bancroft. History of the United States; Hildreth. History of the United States; Eggleston. Century Magazine, III. 61, 724, V. 431, VI. 234, 848, VII. 873, VIII. 387.

2. *EDUCATIONAL CONTRASTS.*

The first system of public education in this country was established in Massachusetts in 1647. The foundation of Harvard College had been established in 1637. Thus Massachusetts was the first of the colonies to give attention to education, and she always remained in the lead in this respect. In New York and the middle colonies, laws were enacted, which looked to better educational facilities, but they were, for the most part, not put into execution.

In South Carolina, no grammar schools were established, until 1730, and down to 1776, there were not above five. One historian says: "In the Southern States education was almost wholly neglected, but nowhere to such an extent as in South Carolina. In that State prior to 1730, no such thing as a grammar school existed. During the Revolution there were

none. Indeed, if the number of newspapers in any country may be taken as a gage of the education of the people, the condition of the Southern States, as compared with the Eastern and Middle, was most deplorable. In 1775 there were, in the entire country, thirty-seven papers in circulation; 14 in New York, 9 in Pennsylvania, 2 each in Virginia and North Carolina, in Georgia 1, and in South Carolina 3." †

3. *MANUFACTURES, COMMERCE, AND AGRICULTURE.*

New England was from the first the home of manufactures and commerce. The fishing industry was also very important. The Southern colonies, save Maryland and Virginia, had poor harbors or none. As the climate was not adapted to manufactures, they became the great agricultural section of the country, and, accordingly the center of Slavery, since the slaves could not be trusted to perform the more difficult and important duties, pertaining to manufacturing and commercial industries. Virginia was settled mostly by Englishmen, and Maryland by Huguenots. In Virginia one half the population were slaves, many being white serfs. Thwaites says: ‡ "In 1700 the Southern colonies were without manu-

† McMaster, I. 27.

‡ Thwaites, Epochs of American History, (see topic).

factures; barter was used in trading; no schools were then in existence and manners were coarse or brutal, while in New England, manufactures abounded, as did fisheries, commerce, and education."

4. *SOCIAL AND POLITICAL CONTRASTS.*

In North Carolina, two-thirds of the population were slaves just prior to the Revolution. The slaves were treated more severely in the Carolinas, where they were the most numerous, than in any of the other colonies. Owing to the excessive heat, they soon wore out, and therefore they were worked the harder, during the comparatively short period of their capacity for arduous labor, that their masters might be reimbursed for the great expense of rearing them.

In New England, villages and cities were numerous. Here the "Town Meeting" system reached its greatest perfection. The political organization of Massachusetts furnished many illustrations of the working of the principles which were eventually woven into the fabric of the Federal Constitution.

The Dutch manors of New York corresponded most nearly to the English Manor system of anything on this continent. They had many of the characteristics of the old Feudal system. The land was owned by the great baronial proprietors, and was farmed out to the tenants, who came semi-an-

nually to the manor to pay the rent. On these occasions the proprietor of the manor gave a great feast to all his tenants. Towards the beginning of the Revolution the tenants became a source of great trouble to the proprietors, the disturbances sometimes amounting to riot.

In Virginia, Dissenters were taxed for the support of the Established Church. Plantation life in the South was quiet and uneventful, and commerce and intercommunication followed the course of streams and rivers, as the roads were few and poor. The owner of a plantation would have a ship come up the river or bay to his home, take on his crop of cotton and tobacco, and leave in return a year's store of provisions and clothes.

Taking New England as a whole, we may say that religious toleration prevailed, since those who were objectionable in one colony, were welcome in another. † "There was perhaps on the whole a more democratic spirit among all classes of the people" in the middle colonies in 1700, than in either New England or the South.

SECTION IV.

INTER-COLONIAL WARS (1690-1755.)

† Thwaites. Epochs of American History, (See topic, Social and Economic Conditions in the Middle Colonies in 1700.)

1. *REFERENCES.*

PRIMARY SOURCES:—Palfrey. New England; Hildreth, II. 433-513; Bancroft. History of the United States.

SECONDARY SOURCES:—Winsor. Narrative and Critical History of America; Thwaites. Epochs of American History, I. 252-257, 276-278, 220-223, 273-276, 283-285; McMaster; Hutchinson. History of Massachusetts; Lodge's Colonies.

2. *KING WILLIAM'S WAR (1690).*

There seems to have been little difficulty in procuring the harmonious action of the English colonies in regard to military matters during the period of the Inter-Colonial Wars. In 1690, while King William's War was in progress, a congress of the colonies was called. This was the first American Congress. All the colonies replied cordially, and most of them sent delegates. Harmony prevailed in the convention, and a force was equipped and sent against Canada.

3. *QUEEN ANNE'S WAR (1711).*

During the progress of Queen Anne's War the colonies joined in an Attack on Quebec, which was defeated by shipwreck. Here again was illustrated the willingness of the colonies to unite for mutual protection, rather than call on the mother

country for aid. But it was only for purposes of defense, or retaliation against foreign aggressors, that concerted action could be obtained, and then only for limited periods.

4. *KING GEORGE'S WAR (1745).*

In 1745 Massachusetts originated a scheme for an Attack on Louisburg, which was then considered the "Gibraltar of America." This was during the war known on this side of the Atlantic as King George's War. New York sent artillery, Pennsylvania provisions, while New England furnished the troops for the enterprise.

The expedition resulted in the capture of Louisburg. The colonists, elated by their success against this strongest fortress in the New World, voted to raise sufficient troops and provisions to reduce all Canada. All the colonies north of Virginia agreed to join in the enterprise, but England, fearing the growing power of the colonies, refused her aid, and the project was reluctantly abandoned.

5. *THE FRENCH AND INDIAN WAR (1755).*

In 1755 Braddock, with a force of English troops, met a congress of the colonies at Alexandria. Measures for carrying on the war were discussed. The colonists, although willing to defend themselves from the assaults of their enemies, refused to furnish

money for a joint campaign. They advised, however, a general tax, levied by Parliament. Braddock went forward with his English troops and a few colonial volunteers. The result of that ill-fated expedition is familiar to all.

Notwithstanding the general unanimity on questions of mutual defense, the colonies were widely discordant over questions of commerce, internal boundaries, and methods of government. Each colony was proud and jealous of her peculiar institutions, and, as the common love of the mother country waned, the symbols of patriotism clustered about the name of the individual colony. In this same year there was another congress held at Albany, which we shall reserve to be considered under Section V.

SECTION V.

CONGRESSES BETWEEN 1755 AND 1776.

1. *REFERENCES.*

PRIMARY SOURCES:—The Atlantic Monthly, March 1888; Franklin's Works; Frothingham, 184-230, 296-311, 358-381, 398-448; Hildreth, II. 529-531, III. 50-70, (Revised Edition) II. 538-559, III. 42-46, 50-70; Journals of the Congresses of 1765 and of 1774.

SECONDARY SOURCES:—Bancroft (Last Edition), III. 149-151. 251-252. 153-164, 279-295, IV. 61-77;

Thwaites. Epochs of American History, II. (See Topics); Fisk. The American Revolution, I. 14-100.

2. *THE STAMP ACT CONGRESS* (1765).

Down to 1755, all schemes of a general union of all the colonies had come from the English government, and had been advised for the purpose of enabling the colonists to defend themselves against the Indians, the French, and the Dutch. But these measures had been regarded with suspicion by the colonies, ever jealous of their liberties. The plan proposed by Franklin to the Congress at Albany in 1755, had been suggested by the Lords of Trade in 1754. It involved the permanent union of all the English colonies in America. This scheme having failed, because, as Franklin himself said, "the Crown disapproved it, as having too much weight in the democratic part of the Constitution, and every assembly, as having allowed too much to prerogative," no further movement for union was proposed, until the one inaugurated by the colonists themselves, in order to secure effectual opposition to the oppression of the mother country.

In 1765, what was known as the Stamp Act Congress met to consider their mutual grievances against the British Crown. No permanent union was proposed, and the principle matter that occupied the attention of the delegates was the question

of what should be included in a list of grievances to be sent to the home government.

3. *THE CONGRESSES OF 1774 AND 1775.*

Again, in the Congress of 1774, there was a dispute in regard to what should be included in the petition to Parliament, which the colonists proposed to make, because of the unjust taxation, which the home government was attempting to inflict upon them. An agreement was readily reached, however, and the colonies were brought closer together through their common grievance and common remedy.

In the Congress of 1775, still greater harmony prevailed among the several colonies than in the previous year. In this Congress the vote was taken by colonies. The colonists were drawing closer, and closer together, as the oppression of England and the hatred of Parliament, consequent thereon, increased.

PART II.

COMBINATION, CONFEDERATION AND UNION (1776-1789).

SECTION I.

THE CONTINENTAL CONGRESSES OF 1776 AND 1778.

1. REFERENCES.

PRIMARY SOURCES:—The Federalist, 138-142; Fisk, Critical Period of American History, 17-36, 105-113, 163-176, 179-218; Bancroft (Centenary Edition), V. 257-265, 345-353, VI. 25-35, 183-182, (Last Edition) VI. 59-86, 136-153, 167-176, 182-185, 195-197, 198-437; Frothingham, The Rise of the Republic, 153-157, 193-248, 569-577, (Chapters I-IV are on the constitutional development of the colonial union); Hildreth, III. 50-56, 65-67, 395-403, 411-420, 430-437, 450-454, 482-526; Jefferson's Works, I. 26-36, 78-79, 406-407, 413-414, 464-465, 518; Schouler, History of the United States, I. 14-17; Story, Commentaries on the Constitution, I. 157-190; Von Holst, Constitutional History

of the United States, I. 19-46; Von Holst. Constitutional Law, 6-16.

SECONDARY SOURCES:—Curtis. Constitutional History, I. 104-114, 127-134, 186-220; McMaster. History of the United States, I. 130-138, 177-185, 223-226, 255-259, 300-330, 389-390.

2. *THE CONGRESS OF 1776.*

The Congress of 1776 took the long meditated step of a Declaration of Independence of Great Britain. From that day the English colonies on this continent ceased to be known as the "United Colonies," and were henceforth the "United States of America."

The question of the relation of these colonies after declaring themselves free from British rule is a long controverted one in American politics. Calhoun declared, that "the Declaration of Independence changed the colonies from subjects of England to states, subject to no controlling power except their individual caprice." Lincoln said: † "The Union gave each of them whatever of independence and liberty it has. The Union is older than any State, and in fact it created them as States." There is little room for doubt as to how the newly created States regarded their relation to the national government. The old constitutions had been destroyed by the war, and in forming new ones, the States

† Message to Congress, July 4, 1861.

appealed to Congress for advice, and their new governments were formed under the direction of the national congress.

3. *THE CONGRESSES OF 1777 AND 1778.*

The Congress of 1776 had drafted the Articles of Confederation; but a discussion as to the manner of voting and assessment of taxes gave rise to much dissention so that the Articles were not adopted until November 1777. It was then decided to continue the previous method of voting; namely, by States. This had been the custom since 1775.

Under this new instrument of government, great divergence of opinion and invidious contentions arose in regard to commerce, taxes, the foreign policy of the nation, and other matters relating to the operation of the central government; so that by 1787, when the Annapolis convention, which intervened between the Alexandrian and the Philadelphia conventions, met, the country was almost in a state of anarchy, public credit was paralyzed, one State was imposing discriminating tariffs against another, and all were refusing to comply with the "ordinances" of Congress. In 1788 the Constitutional Convention met at Philadelphia. All agreed that something must be done, but few could concur on any given plan.

SECTION II.

THE CONFEDERATION (1778-1788).

1. *REFERENCES.*

PRIMARY SOURCES:—Curtis. Constitutional History, I. 98-103; Cyclopedia of Political Science, I. 574-577; Elliott. Debates, V. 112-113; Frothingham. Rise of the Republic, 569-577; Jefferson. Works, I. 26-38, 58-62, 78-84; Von Holst. Constitutional History I. 19-30; Von Holst. Constitutional Law, 6-15.

SECONDARY SOURCES:—Story. Commentaries on the Constitution, I. 157-163, 168-172; Federalist (Dawson's edition), 90-100; Fiske. Critical Period, 105-113, 142-151, 167-178, 179-186, 208-213.

2. *THE NATURE OF THE GOVERNMENT.*

Under the Articles of Confederation the national legislative, executive, and judicial powers were all located in a single assembly, the federal Congress. The approval of nine States was necessary to the passage of all important measures. Amendments could only be made by the consent of the legislatures of all the States. Congress was recognized in Europe as the proper source of national authority; but taxes could only be levied by the State legislatures.

3. *THE PURPOSE OF ITS FOUNDERS.*

On the same day that the committee was appointed to draft the Declaration of Independence, a com-

mittee was appointed to draft Articles of Confederation. It was the intention of Congress to form a central government with powers adequate to administer the affairs of the new nation. But as soon as the committee reported, on July 12, 1776, a dispute arose in regard to the method of voting. The smaller States feared the power and influence of the larger would be used to dominate the legislation of Congress, to the injury of the former.

The result was a compromise, but at no time was the idea of forming a national government abandoned.

4. *THE SEAT OF SOVEREIGNTY.*

Although the condition of the country, under the Articles of Confederation, was deplorable, yet the lack of power on the part of national government was not due to the want of sovereignty vested there, but to the restricted powers granted to Congress, the poverty of the Government, and the rivalries existing between the several States.

The sovereignty rested in the national government. The people of the colonies had united for the purpose of defending themselves from the aggression of England, and they had, in the Declaration of Independence, expressly declared themselves to be one people, and confirmed that action by adopting an instrument of national government, which though

deficient in many of its details, was still a repository of federal authority, and the supreme law of the land. They had made the bonds of national unity still more firm, by making the unanimous consent of all the States necessary to the amendment of the Articles of Confederation.

SECTION III.

THE CONSTITUTIONAL CONVENTION AND RATIFICATION BY THE STATES (1787-1789).

1. *REFERENCES.*

PRIMARY SOURCES:—Elliot's Debates, I., II., III., IV.; and V., Greeley. The American Conflict, I. 43-49; Fiske. The Critical Period in American History, 133-150, 211-344; The works of Hamilton, Jefferson, Madison and Washington; Von Holst. Constitutional History of the United States, I. 47-63; Bancroft. History of the Constitution, I. 267-268, II. 1-47, 114-350; Bancroft. History of the United States (Last Edition), VI. 195-462; Curtis. Constitutional History of the United States, chapters XV. to XXX-VI. inclusive; Curtis. History of the Constitution, II. 232-604.

SECONDARY SOURCES:—Hildreth. History of the United States, III. 482-546; McMaster. History of the United States, I. 416-524; Pitkin, II. 218-316; Lodge's Hamilton; Tyler's Patrick Henry; Wilson. Rise and

Fall of the Slave Power in America, I. 40-56.

2. *THE VIRGINIA PLAN.*

On the convening of the Constitutional Convention at Philadelphia, several plans for a new instrument of government were proposed. One of the Virginia representatives presented what is known as the Virginia Plan. This scheme proposed a † national Legislature, which should have power to legislate in all cases where the separate States are incompetent, "To negative all laws passed by the several States, contravening the Articles of Union, and to call forth the forces of the Union against any member of the Union, failing to fulfill its duty under the Articles thereof."

3. *THE NEW JERSEY PLAN.*

The New Jersey Plan proposed that ‡ "All acts of the United States in Congress shall be the supreme law of the States. In case of opposition from any State, or any body of men in any State, toward such Acts or Treaties, the Federal Executive shall be authorized to call forth the power of the States to enforce obedience." New Jersey, as the advocate of the smaller States, which objected to the preponderance of power being held by the larger States, proposed that the national Legislature consist of one

† Bancroft. History of the Constitution.

‡ Elliot's Debates. V. 191.

House, in which all States should be equally represented.

4. *THE CONNECTICUT COMPROMISE.*

As the debate on this proposition wore on, the conflict between the larger and the smaller States became very intense. Finally Connecticut came forward with a compromise measure. † She proposed that the National Legislature consist of two Houses, in one of which all the States should be equally represented, and in the other they should be represented according to population. After a long and severe struggle the compromise was accepted.

5. *OTHER COMPROMISES.*

The next great struggle in the Constitutional Convention was over the basis of representation in Congress. It was finally decided by a compromise that three-fifths of the negroes should be counted, both in the apportionment of representation and of direct taxes. New England was interested in shipping, the South in agriculture and the Slave Trade. A third compromise gave to Congress the power of passing navigation Acts, but forbade it to prohibit the Slave Trade for twenty years. The debate over these questions was very fervid, and more than once the convention was on the point of dissolution.

† Ibid.

The great question, which was destined to engage the attention of public men, and be the pivotal point, around which all other questions should arrange themselves, during the succeeding seventy years of American history, was whether or not, under this instrument of government, which was then being constructed, the several States were to be sovereign within their own limits, or whether a part of the sovereign authority was to be deposited in the national Government; and whether or not the Federal Powers should have the right to exercise force, to compel obedience to their authority. On these points the Constitution is ominously silent.

The question came up in the convention, but it was obvious to all that no Constitution could be adopted, if such a vexed problem should be allowed to interrupt the deliberations of that body; so that most puzzling political enigma was left for posterity to determine and settle forever, amid the eloquent oratorund of reverberating ordinance, in the great forum of the field of battle.

Hart says: † “No sooner had debate actually begun than the Convention proved to be divided into many factions. Some members, like Patterson, were on principal opposed to a strong government; others, like Hamilton, desired to break down the State’s boundaries, and to create a centralized Republic.

† Epochs of American History. II. 123.

Still more distinct was the opposition between the large States and the small; the former inclined to a representation based on population; the latter insisted that the States should be equal units. Again, the trading States—New England, New York, and Maryland—were inclined to grant large powers over commerce; the agricultural States, particularly Virginia, wished to see commerce regulated still by the States in part. Another line of division was between the Slave-holding and Non-Slave-holding States; here the champions were Massachusetts on one side and South Carolina on the other. Throughout the Convention these various elements combined and recombined as their interests seemed affected. Although there were no permanent parties, the members of which regularly voted together, there was disagreement and disappointment from beginning to end.”

6. *THE RATIFICATION CONVENTION.*

In ratifying the Constitution the jealousies among the States were shown very conspicuously. It was the event of this contest that called forth the most comprehensive and excellent commentary on the Constitution that has ever been written, the *Federalist*, the component product of the sagacity and genius of Hamilton, Madison, and Jay; the two former being credited with having produced the

greater part of this series of articles, which appeared in a periodical publication bearing the above name.

In many of the States the Constitution was adopted by a very small majority, only after a long and fierce struggle. Patrick Henry, the great orator of the Revolution, appeared in the Ratification Convention of his native State, Virginia, and spent all the force of his powerful influence and burning eloquence in opposition to the proposed Constitution, but to no purpose. Virginia ratified, though she did so very reluctantly. A number of the members of the Constitutional Convention had left that body and returned home before it had completed its labors, either because they objected to the kind of government that was being constructed for the new nation, or because they thought that nine States could not be obtained to adopt it after it was completed. These men now used their influence in the several States to secure its defeat.

New York was the eleventh State to ratify. She was one of the larger States, and as her location was central, she was considered necessary to the success of the Union. On the other hand, New York was an empire in herself, and many thought that she might retain her sovereignty and remain an independent nation. The campaign here was the most exciting of all the contests in the several States; but at last, by a small majority, she adopted the Consti-

tution, and thus insured the success of the American Union, and secured for herself all those vast advantages, which have made her sea-port city the commercial emporium of the New World, and given her the justly enviable title of the "Empire State."

After the decision of the contest in New York, the organization of the National Government was immediately proceeded with. The condition of North Carolina and Rhode Island was peculiar. They alone remained out of the Union, which was to take effect as soon as nine States had ratified the Constitution. Under the Articles of Confederation, which were not to be amended, except by unanimous consent, they had a legal right to insist that the new government was unconstitutional, and that the Confederation still continued in force. These States did not enter the Union until about a year had elapsed, and the Federal Government had been organized.

During this period, where did the seat of sovereignty reside as regards these two States? This is a question that has perplexed many loyal friends of the Union. Perhaps the best solution of the problem is to regard the organization of the Federal Government under the new Constitution, before it had been ratified by all the States, as a revolutionary act. The Articles of Confederation were legally in force, as the rightful instrument of government, until it had been revoked by the action of all the

States, which were parties to it. Therefore, when these States finally adopted the Constitution of the United States and came into the Union, that Constitution first became legally the instrument of government of this nation. And although the Government had been organized before they became a part of the nation, still their action in ratifying the Constitution and coming into the Union at that time was equivalent to a formal act, legalizing all previous transactions of the Federal Government, since by their acceptance of the existing conditions, they waived the right to object to anything that had been previously done. †

7. *WAS THE CONSTITUTION A COMPACT?*

In regard to whether or not the Constitution was intended to be "a compact," merely, there seems to be little room for doubt. The Confederation was a compact, and not a perfect instrument of federal government, and it was for this very reason that the Convention of 1787 was called, and the Federal Constitution framed. The members of that Convention did not consider it a "compact," for on May 30, 1787, they voted: "No treaty or treaties among the whole, or part of the States, as separate sovereignties, would be sufficient." The principal ground of opposition

† Bryce. *The American Commonwealth* I. 310-320, 370, 408-409.

to the ratification of the Constitution was the fact that when once adopted by the States, their action could never be revoked. ‡

‡ Elliott. Debates in the Constitutional Convention, and in the Ratification Conventions of several of the States.

PART III.
THE NATIONAL PERIOD.

SECTION I.

THE DOCTRINE OF LIMITED POWERS (1789-1799.)

1. REFERENCES.

PRIMARY SOURCES:—Elliott's Debates, IV.; Hamilton's Works, IV.; Jefferson's Works, III.; Madison's Works; Von Holst. Constitutional History of the United States, I. 82-97; Washington's Works.

SECONDARY SOURCES:—Hildreth. History of the United States, IV. 25-210; McMaster. History of the United States, I.; Pitkin, II. 317-355; Schouler. History of the United States, I. 74-220.

2. THE ASSUMPTION OF STATE DEBTS.

Dissention between the States and jealousies of the National Government sprang up in Congress at the very first. A spirited opposition was met with in organizing the Executive and Judiciary Depart-

ments ; but the Assumption of State Debts and fixing the place of the national capital were the subjects that caused the sharpest contest. † “Disputes relative to the permanent seat of government ran high in Congress. After repeated trials, the decision was sometimes in favor of removing to Philadelphia, and sometimes in favor of remaining at New York. It was finally carried in favor of Philadelphia by a very small majority. Kentucky, it was foreseen, would soon be admitted into the Federal Union ; and Virginia, to whose territory it belonged, with great dignity and honor, was aiming to promote the event. The representation of the Eastern States was diminished of its just proportion by the exclusion of Vermont, and this had already proved to the disadvantage of New York. If their old controversy could be settled, it was apparent that the interests and the influence of these States would, in almost every instance, coincide. Public sentiment called loudly for this measure.” ‡ Hildreth states in regard to the subject of the Assumption of State Debts: “Political considerations had also operated. The vote of Vermont might aid to establish the seat of government at New York. At all events that State would serve as a counter-balance to Kentucky, the

† Williams. History of Vermont, 302.

‡ Hildreth. History of the United States, (second series) I. 268.

speedy admission of which was foreseen." † "It was evident that the friends of Assumption were in a small minority, and the friends of a Northern capital were in a small majority. Hamilton worked upon Jefferson to secure a compromise. The matter was adjusted at Jefferson's table : a few Northern votes were obtained for a Southern capital, and two Virginia members agreed to vote for Assumption." Jefferson wrote to Washington : ‡ "The owners of the debt are in the Southern and the holders in the Northern division." || "The whole compromise was a bargain between the North and the South. * * * The friends of Hamilton's financial policy were so preponderantly from the Northern States and its opponents from the Southern, that the geographical and sectional character of the parties was a matter of frequent mention and lament."

"The difference was due to: (1) difference in economic situation; (2) financial questions; (3) difference in political thought in general." Jefferson in reviewing the conflict says : § "So high were the feuds excited by this subject that on its rejection, business was suspended. Congress met from day to day without doing anything. * * The Eastern members par-

† Hart. Epochs of American History, II. 149.

‡ Jefferson's Works, III. 363.

|| Von Holst. Constitutional and Political History of the United States, I. 86.

§ Jefferson's Works, IX. 93.

ticularly * * * who were the principal gamblers in these scenes, threatened Secession and dissolution."

3. *THE PETITION OF THE QUAKERS AND THE WHISKY REBELLION.*

The first petition for the abolition of Slavery was presented to Congress in 1790, by the Quakers of the State of Pennsylvania. Congress refused to consider the subject, but it occasioned some expressions of disloyalty, on the part of the Southern politicians. Even a few threats of disunion were heard in Congress itself, thus early in the history of the new nation. The discussion of the question of a National Bank, and the presidential appointments at this time also caused some talk of disunion.

The Whisky Rebellion in 1794 was not exactly an assertion of the principle of State Sovereignty, but rather, the rebellion of three counties in Pennsylvania against the enforcement of a Federal statute. It was quickly suppressed, and thus further spread of opposition was averted, and the question of the right of a State, or a part of a State, or of one section of the country, to nullify the action of the general government was reserved to a future time for settlement.

SECTION II.

THE DOCTRINE OF THE RIGHT OF "PROTEST" (1799-1820).

1. REFERENCES.

PRIMARY SOURCES.—Elliott's Debates, IV. 528-580, 370-380; Hildreth. History of the United States, III. 544-554; Jefferson's Works; Madison's Works; Von-holst. Political and Constitutional History of the United States, I. 70-80, 95-149, 243-260.

SECONDARY SOURCES:—Hart. Epochs of American History, II. 170, 195-220; McMaster. History of the United States, II. 536-635; Schouler. History of the United States, II. 1-194.

THE VIRGINIA AND KENTUCKY RESOLUTIONS (1798-1799).

In 1797-1798 the Federalist Party was in power, and because of the strained relations with France, the prevalence of foreigners in the country, and their unfriendly attitude toward the administration, the Alien and Sedition Laws were passed. Immediately there was a great cry that tyranny was being exercised over the nation by the President and his party. The Anti-Federalists declared that the National Government would overstep its prescribed bounds, and become a monarchy, if these evil tendencies were not at once arrested. Accordingly,

James Madison prepared a set of resolutions, which were passed by the Virginia Legislature in 1799, and sent to the legislatures of the other States for their concurrence.

The resolutions declared the Federal Union to be a, "compact to which the States are parties," but affirmed the allegiance of Virginia to the Union. The Assembly further declared that they viewed the powers of the general government as: † "Limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in the compact; and that in case of deliberate, palpable, and dangerous exercise of other powers, not granted by said compact, the States who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them."

About the same time the legislature of Kentucky passed resolutions to the following effect: "That * * * the several States, who formed that instrument (the Constitution of the United States), being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification by those sovereignties, of all unauthorized acts, done under color of that instrument, is the rightful

† Elliott's Debates, IV. 528-580.

remedy." The Kentucky Resolutions were prepared by Jefferson, and were very similar in spirit to those passed by the legislature of Virginia. In these resolutions, the theory that the federal government is a "compact" was for the first time clearly stated.

The repeal of the Alien and Sedition Laws withdrew the cause of the controversy, so that it was never determined what was meant by the, "right of protest." Madison, in an elaborate report to Congress † said, that the "protest" of Virginia meant only the right to resort to constitutional means, and not to force, that is: amendment of the Constitution; instructing senators; appealing to Congress; influencing public sentiment, etc.

3. *THE REPLIES OF THE OTHER STATES.*

Copies of the Virginia and Kentucky Resolutions were sent to all the other States, for their approval, but they met with little sympathy. In most of the New England States they were severely condemned; in some they were ignored entirely. ‡ No other State approved of the full course of their action. It was to these Virginia and Kentucky Resolutions that Calhoun in 1832, and the Southern leaders in 1860, appealed for confirmation and support.

† Elliott's Debates, IV. 528-580.

‡ Ibid.

4. *THE LOUISIANA PURCHASE.*

In 1803 the purchase of Louisiana aroused a furor in the Eastern States, because they were to be deprived of a part of the influence which they were accustomed to wield; and because the Federalists thought the method of annexation unconstitutional. But the Republican measures carried, and, with a few threats of disunion, and the Burr conspiracy, the country again settled into tranquility; but a tranquility which was to last for a few years only.

5. *THE EMBARGO ACT* (1808).

In 1808 the Embargo Act was passed as a retaliation on the British government for the "Chesapeake Affair," and to protect American shipping. It proved to be of more damage to American commerce, than to either British or French interests; and was very odious, especially to the commercial people of the New England States.

This Act served to stir up bitter sectional jealousy. A Southern senator said: "The excitement in the East renders it necessary that we should enforce the Embargo Act with a bayonet, or repeal it." Adams resigned his seat in the Senate, and informed the President that, unless the Embargo Act was repealed, New England would withdraw from the Union. The political revolution in 1809 changed the representation in Congress, and the Embargo Act was re-

pealed; the Non-Intercourse Act being substituted in its place.

6. *THE HARTFORD CONVENTION* (1814).

In 1813 the sentiment of opposition to the war with England ran high in the East, and an unlawful trade sprang up between the New England shores and the British ships. A new Embargo Act was passed by Congress, which gave still more displeasure to the New England States. The increasing demands of England, and the consequent rise of the war spirit of the Republican leaders, led them to adopt measures hardly in conformity with their Strict-Construction policy.

It was proposed to increase the army by draft, or conscription, and even the English system of impressment of seamen was suggested by the Secretary of the Navy. A Bill in the Senate provided for the enlistment of minors over eighteen years of age, without the consent of their parents, or guardians. In October, Massachusetts, on account of commercial distress in the East, and from fear of an attack by the English, who now occupied a part of the district of Maine, and against whom the Federal government had neglected to oppose any adequate means of resistance, invited the other New England States to send delegates to Hartford, Connecticut, "to confer on the subject of their public grievances."

On December 15th, 1814, delegates from Massachusetts, Rhode Island, Connecticut, and from portions of Vermont and New Hampshire assembled at Hartford.

The Convention remained three weeks in secret session, and on adjournment, published a report of its proceedings. From this report it appeared that the Convention had declared that the Constitution had been violated, and that : † “ States which have no common umpire must be their own judges, and execute their own decisions.” They advised the calling of another convention, “ in order to decide on the course which the crisis so momentous might seem to demand.” They also advised the following amendments to the Constitution: ‡ that representation should be based on the whole number of free inhabitants; that the President be ineligible for a second term of office; that foreigners be disqualified from holding office; that an Embargo Act be limited to sixty days in duration; that a two-thirds vote be required in Congress for the admission of new States, to interdict commercial intercourse, and to declare war.

The treaty of peace signed at Ghent, December the 24th, 1814, removed the necessity for enforcing their ultimatum, which they had not distinctly stated, but

† Hart. Epochs of American History. II. 217.

‡ Hildreth. History of the United States. III. 544-554.

which they had obviously implied : namely, that they should be allowed to retain the proceeds of national customs and duties, collected within their borders, or they would withdraw from the Union.

The Hartford Convention resulted in nothing more serious at the time, than to work the political ruin of its members ; but the dangerous suggestion of sectional combination and the right to inhibit the action of the Federal Government, bore bitter fruit at a later date.

SECTION III.

THE DOCTRINE OF SECTIONAL DIVISION (1820-1830).

1. REFERENCES.

PRIMARY SOURCES:—Blaine. *Twenty Years in Congress*, I. 154-158 ; Calhoun's *Works* (see subject) ; Draper. *The Civil War*, I. 625-630, V. 14-25 ; Von-Holst. *Constitutional and Political History of the United States*, II. 60-75.

SECONDARY SOURCES:—Hart. *Epochs of American History*, 151-152, 170, 245-260, 236-241, 216, 260-270 ; Johnston. *American Politics*, 100-125.

2. *THE MISSOURI COMPROMISE* (1820).

The Slavery question had appeared to disturb the deliberations of the Fathers of the Constitution, and had again appeared to disturb the peace of Congress in 1793. And though silent for a long time now, it

was still the great question that divided the Union. From 1815 to 1820, the country had been busy with its commercial and political improvement, and so the Slavery Question had for a time dropped out of sight. But out of this superficial tranquility, the old, vexed question suddenly sounded its bodeful discord, as Jefferson said: "like a fire-bell in the night."

The expanse of territory, embraced in the Louisiana Purchase was fast becoming settled, and Slavery was pushing north in the Mississippi Valley. In 1818 the House passed the Talmadge Amendment to the Bill for the admission of Missouri as a State, which Bill provided that, "the further introduction of Slavery, or involuntary servitude be prohibited,

* * * and that all children of slaves, born within the State, after the admission thereof into the Union shall be free." The Senate rejected the Amendment, and Congress adjourned.

During the year 1819, this subject was the main topic of political discussion, throughout the Union. In the next Congress, a Bill for the admission of Maine was introduced, and also a Bill for the admission of Missouri with the Talmadge Amendment. The Senate refused to admit Maine, unless Missouri should be admitted as a Slave State. The House was stubborn in its demand that Missouri should be admitted a Free State. Finally an adjust-

ment was reached, by which it was agreed that a line should be drawn across the Louisiana Purchase, north of which Slavery should be prohibited. The parallel 36° 30' was agreed upon as the line of demarcation between the Slave and Free territory. The next year another controversy arose over the fact that free colored men were prohibited from Missouri territory by her Constitution. A compromise, effected by Clay, resulted in Missouri's agreeing not to deprive any citizen of another State of his rights within the borders of that State.

During these debates, much hatred † was excited, and threats of disunion were freely made by the South. Calhoun told Adams that, if the trouble produced a dissolution of the Union, "the South would be from necessity, compelled to form an alliance, offensive and defensive, with Great Britain." ‡

3. *THE TARIFF OF 1824.*

The tariff of 1824 was demanded by New England, to protect her growing commercial interests. It was passed by a combination of New England with Western votes, against the strong opposition of the whole South. Randolph of Virginia de-

† Blaine. *Twenty Years in Congress*, I. 154-158.

‡ Draper. *The Civil War*, I. 625-630.

clared : † “ There never was a constitution under the sun, in which, by an unwise exercise of powers of government, the people may not be driven to the extremity of resistance by force.” The industrial and commercial conditions in the North and the South were begining to exhibit the disparity of interests and divergence of sentiment which was being created between the two sections of the Nation by the baneful influence of the Slave System.

4. *THE CHEROKEE CONTROVERSY.*

Georgia in 1825 attempted to drive the Cherokee Indians from their reservations in that State. The Indians held their lands by virtue of a treaty with the United States ; but, owing to a hostile faction, the President was powerless to defend them. After a sharp controversy with Georgia, during which the State militia was called out to resist the National forces, the President was obliged to yield, on account of the attitude of Congress on the question.

5. *THE TARIFF OF 1828.*

This tariff was very objectionable to the South, as was that of 1824. It was now seen that New England had settled down to a steady policy of protection to her industries, by the imposition of a high

† Hart, Epochs of American History, II. 240.

tariff on imports. Calhoun issued that document, which has since become famous as the South Carolina Exposition, in which he showed the iniquity of the tariff, and advised the holding of a convention, which should decide how the Act should be,
 † “Declared null and void within the limits of the State.”

Among other doctrines expressed in this Exposition were these : “The General Government is one of specific powers, and it can rightfully exercise only the powers expressly granted, and those that may be necessary and proper to carry them into effect, all others being expressly reserved to the States or the people. It results necessarily that those who claim to exercise power under the Constitution are bound to show that it is expressly granted, or that it is necessary and proper as a means to some of the granted powers.” And further: “Our system of government consists of two distinct and independent governments, the General Government and the State governments. The separate governments of the several States are vested in their Legislative, Executive, and Judicial Departments, while the sovereignty resides in the people of the several States, who created it. * * * *Not the least portion of this high sovereign authority resides in Congress, or any other of the departments of the General Government.*”

† Calhoun's Works, VI. 55.

Accordingly, he argues that, to refer all controversies between a State and the General Government to the Supreme Court would be to, † “divest the people of the State of their sovereign authority, and clothe that tribunal with the robe of supreme power.”

After quoting from the Virginia and Kentucky Resolutions, Mr. Calhoun further states: “That there exists a case which would justify the interposition of this State, in order to compel the General Government to abandon an unconstitutional power, or to appeal to this high authority to confer it by express grant, the committee do not in the least doubt; and they are equally clear in regard to the necessity of its exercise, if the General Government should continue to persist in its improper assumption of powers, belonging to the State.”

The Legislature of South Carolina, through their representation in the Federal legislature, made a formal protest against the tariff.

6. *THE GREAT DEBATE.*

In 1828, Foot of Connecticut introduced in Congress a resolution, providing for the restriction of the sales of public land, which was being carried on at that time. This resolution precipitated one of the most celebrated debates in the Nineteenth Century. Hayne of South Carolina, in discussing the measure,

† Calhoun's Works, VI. 55.

gave utterance, for the first time on the floor of Congress, to the Doctrine of Nullification. He was answered by Webster of Massachusetts, in what was without doubt the most masterful piece of oratory of the age. His defense of the Constitution was complete and victorious, and his pathetic peroration and exordium to sentiments of loyalty and union was a sublime tribute to that great palladium of American Liberty.

SECTION IV.

NULLIFICATION (1830-1832).

1. REFERENCES.

PRIMARY SOURCES :—Calhoun's Works (see subject in last volume); Congressional Annals (under proper dates); Von Holst. Political and Constitutional History of the United States, II. 60-75.

SECONDARY SOURCES :—Johnston. American Politics; Woodrow Wilson. Epochs of American History, II. 260-270.



2. THE NULLIFICATION ORDINANCE.

In 1832 a new Tariff Bill was passed, which lowered the rates, but still maintained the protective principle. Immediately South Carolina, objecting as much to the system as to the specific rates of the previous Bill, called a Convention, and declared the Tariff Acts of 1828 and 1832 null and void, within the

borders of that State. She immediately called for a thousand stand of arms, and began to make other preparations to maintain her position by force.

Webster wrote Chancellor Kent, the great American Commentator : † “ Seeing, as I think I do, that the affairs of this government are fast approaching a crisis, I have felt it my duty to answer Mr. Calhoun.” Chief-Justice Dagget of Connecticut wrote: ‡ “ I never felt such fearful forebodings as I now feel;” yet he had witnessed all the momentous scenes of the Revolution, and the trying ordeals of the “Critical Period,” as Fiske denominates the interval, occurring between the close of the War of Independence and the adoption of the Federal Constitution.

3. *JACKSON'S NULLIFICATION PROCLAMATION.*

Jackson, who was President, at once issued a proclamation, declaring that the laws should be enforced, and instructed the Collector of the Port of Charleston to collect the revenues, if necessary, by force. Two war ships were ordered to Charleston, and troops were mobilized by the Federal Authorities on the borders of South Carolina.

The President, in the Proclamation, had declared:

† The Green Bag, April, 1895, 162.

‡ Ibid.

† "I consider the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed;" and his subsequent acts showed that he was ready to put his convictions into execution.

4. *THE COMPROMISE TARIFF OF 1833.*

Both parties had gone farther than they had intended. The protectionists saw that their high rates could not be endured by the South at that time, and the Nullifiers saw that they would be met by the full force of the Federal power, if they attempted to interfere with the execution of the national laws. In accordance with the request of Jackson, a measure was introduced in Congress, providing for the enforcement of the tariff Acts.

Clay now came forward with a compromise tariff measure, which, in 1833, was accepted. The "Force Bill," as the compromise Act was named, was passed a few months later. South Carolina re-assembled her Convention, and repealed her "Nullification Ordinance," but declared the Enforcement Act null and

† Sumner's Andrew Jackson, in the American Statesmen Series, 283.

of no effect.

Neither party was entirely satisfied with the result, although both claimed a victory. Had Jackson been as firm with Georgia, in regard to the Indian troubles, South Carolina probably would never have been led to take the step she did. And even had he refused to sign the compromise tariff Act, until the State of South Carolina had been forced to submit to the Federal Government, the great question, the settlement of which subsequently cost the lives of a million men, might have been decided then, at a comparatively trifling expense. But the President deserves the highest honor for the bold stand he took, and for the loyal spirit of his timely proclamation.

During this controversy, Calhoun had been busy, elucidating the doctrines of his pet theory. He declared the essential difference between "Nullification" and "Secession" to be this: "Secession is a withdrawal from the Union, * * * a dissolution of the partnership;" while, "Nullification," on the contrary, "presupposes the relation of principal and agent, * * * and is simply a declaration, * * * that an act of the agent, transcending his powers, is null and void." †

† Calhoun's Works, VI. (Letter to James Hamilton, August 28, 1832).

SECTION V.

SLAVERY AND DISUNION (1833-1860).

1. *REFERENCES.*

PRIMARY SOURCES:—Epochs of American History, III. 165; Blaine. Twenty years in Congress; Von Holst. Constitutional and Political History, 1850-1854, 50; New York Tribune, May 13, 1851; Johnston. American Politics, 168; Cyclopædia of Political Science, II. 315-317, III. 162-163.

2. *DIVISION.*

From 1833 to 1850, the lines of division in sentiment and interests, between the two opposing sections of the country, remained practically the same; but the subject of contention was changed, though the fundamental cause of both could be very clearly seen to originate from the same ultimate source. Slavery was at the root of the evil. It was the Slave System that was responsible, in a great measure, for the dearth of manufactures in the South, which in turn caused her opposition to the protective tariff. The Slave System required more room in which to expand, in order to retain its parity of power with the North, in the Federal Government; hence it was this evil that caused all the contentions over the annexation of territory, the organization of the Territorial governments and the admission of new States.

3. *THE ADMISSION OF TEXAS.*

In 1843, the question of the admission of Texas as a State, had called forth many declarations of disloyalty, and † “Texas or Disunion” was the cry of the more radical of the Southern leaders. In the same year, John Quincy Adams, Ex-President of the United States, and a Massachusetts Statesman, was supported by a portion of the Northern Whigs in the declaration that the Annexation of Texas would justify the dissolution of the Union.

Again in 1845, William Lloyd Garrison proposed to an Anti-Annexation Convention in Boston, that Massachusetts should lead in a movement for Disunion; and the loyal men of New England loudly applauded the doctrine, which in less than twenty years they were to give their lives and property to eradicate forever from the breast of every true American, by means of the awful surgery of the bullet and the sword. Such are the inconsistencies of history, and such the mutations of public opinion, and the caprice of human sentiment and passion.

4. *THE COMPROMISE OF 1850.*

From 1840 to 1850, the North, stimulated by the progress of invention and the vast stream of immigration that was pouring upon her shores and set-

† Woodrow Wilson. Epochs of American History, III.

ting in her cities, had been rapidly developing: while the South had vainly striven to keep pace with her rival.

In 1849, the immediate subject of contention, between the two sections, was the Territories; whether they should be Slave or Free. Great excitement prevailed; and when Congress met in December, three weeks were spent in organizing the House, so nice was the equipoise of parties. In January of the following year, Clay presented in Congress the famous compromise measure, known as the Compromise of 1850.

This Bill proposed: the organization of the Mexican Cession, without reference to Slavery; the admission of California with a Free Constitution; the purchase of Texas's claims upon New Mexico; the abolishment of the Slave Trade in the District of Columbia; and the passage of a stringent Fugitive Slave Law. This Act, if passed, would revoke the Compromise of 1820. There was a fierce contest on hand, and many disloyal sentiments were announced, and publicly applauded. Finally, by a division of the Bill, into as many separate measures as it contained propositions, it was carried in Congress, and became the law of the land.

5. *THE CHARLESTON CONVENTION.*

The Southern Rights Association, of South Carolina, held a Convention in Charleston, in May, of the

year 1851, and, as Mississippi was unwilling to take the leadership of the South, South Carolina resolved to take it upon herself. The resolutions of this Convention were very strong in sentiments of disloyalty to the Union. It was resolved: † “That, in the opinion of this meeting, the State of South Carolina cannot submit to the wrongs and aggressions, which have been perpetrated by the Federal Authorities and the Northern States, without dishonor and ruin; and that it is necessary for her to retrieve herself therefrom, whether with or without the co-operation — of the other Southern States.” But, despite the attempts of the rabid “fire-eaters,” the commercial classes of the State were opposed to Secession. ‡ “The business men of the State, and more particularly of Charleston, § foresee in this action ruin, and would be glad to avert the evil.” “The leaders of the late movement are comparatively unknown to the public. It cannot be said, therefore, that they have the confidence of the people.” ||

The Convention did not seem to doubt that the attempt to prevent Secession by force would be made by the National Government. * “We have to

† Von Holst. *Critical and Constitutional History of the United States*, 1850-1854, 30.

‡ New York Tribune, May 13, 1851.

§ Von Holst. *Political and Constitutional History of the United States*, 1850-1854, 34.

|| Ibid.

* Ibid. 32.

look forward to the probability of another outrage by that Government, in the attempt to force the State to remain in the Union. We suppose the attempt will be made, if the other States permit it," was the language of the Address of the Convention to the Southern Rights Association of the other States.

6. *PERSONAL LIBERTY LAWS* (1840-1860).

The first Personal Liberty Laws were passed by New York in 1840. These laws were designed to prevent the return of fugitive slaves to their owners, and therefore were virtually nullifications of the Federal Statutes. Wisconsin, in 1859, passed a Personal Liberty Law, and re-affirmed the Virginia and Kentucky Resolutions, making them read, however: "Positive defiance is the rightful remedy." †

After the Compromise of 1850 was passed and the attempt to enforce the stringent Fugitive Slave Law, which it carried, was made, Personal Liberty Laws were enacted, in rapid succession, by nearly all the Northern States, New York, Illinois, Massachusetts, Wisconsin, and Iowa taking the lead in defiance to the South.

† Cyclopædia of Political Science, II. 315-317, III. 162-163.

7. *THE KANSAS-NEBRASKA BILL*
(1854-1857).

This Bill † “Distinctly declared that the compromise of 1820 was inconsistent with the Constitutional principle of non-interference with Slavery by Congress; that it was therefore inoperative, void, and repealed by the Compromise of 1850; and that hereafter each Territory, whether north or south of 36° 30', should admit, or exclude Slavery, as its people should decide.”

The Bill was carried by the Southern Democrats and Southern Whigs uniting in its favor, while one-half the Northern Democrats united with the Northern Whigs and the Free Soilers, in opposition. This last group were styled, Anti-Nebraska Men. The division thus created in the Democratic Party was soon healed, while the Whig Party never again united. In 1856 the Anti-Nebraska Men had adopted the name, Republican Party.

The Kansas question came up again in 1857, when that Territory applied for admission as a State, under the Leecompton Constitution, which was a Pro-Slavery Constitution.

The divergence between the two sections, over the Slavery question was daily growing more marked, and threats of Secession and Disunion were very

† Johnston. American Politics, 168.

common. The South thought to defeat the North by leaving the question of Slavery, in the Territories, to the Territories themselves; but, after a severe struggle, during which Kansas was the scene of plunder and carnage, the North triumphed, and Kansas applied for admission as a Free State.

The last peaceful recourse had been taken by the South, and only a violent domination of the affairs of the nation, or Secession remained. A few years of tampering with the highest Judicial tribunal, the United States Supreme Court, brutal domineering in the halls of legislation, and concerted plans of terrorizing, served only to solidify the North, and divide the great political parties on sectional lines, and then came the great shock.

8. *THE LINCOLN-DOUGLAS DEBATE* (1858).

The famous Lincoln-Douglas Debate in 1858 was the joinder of issue of the two great parties, that were contending to determine whether the North was to bow in passive obedience to the growing arrogance and aggressive dictation of the South, or, by planting themselves upon the principles of truth and justice, boldly withstand the further aggression of the Slave Power. Lincoln summed up the whole situation, when he opened the great debate by saying: † “A house divided against itself cannot

† Blaine. Twenty Years in Congress.

stand : this nation cannot endure half Slave, half Free."

It had become evident that no permanent territorial boundary line could be maintained, between the two great antagonistic principles, which, since the first breath of life was breathed into our body politic, had been contending for supremacy in the nation. The Slave-holders had recently again demonstrated their faithlessness, by the repeal of the Missouri Compromise, and the Southern people had no faith in the North, whose fair promises were more than counter-balanced, in their opinion, by the agitations of the Abolitionists. In the State elections of 1858, the Republicans largely increased their representation in Congress. It needed only the Campaign of 1860, and the triumph of the Republican Party, whose leader had given voice to such sentiments, to touch the spark to the magazine.

9. *THE CAMPAIGN OF 1860.*

In 1859, the Fugitive Slave Law and the Personal Liberty Laws were still in force; the Kansas question was more alive than ever; the Dred Scott Decision had aroused a wild flame of passion in the North : and, as the Presidential campaign approached, new causes of dissention were added to the already rapidly diverging sections of the nation. John Brown, a fanatic, who had gotten his training in the border-

ruffian warfare of Kansas, accompanied by a small band of followers, seized the United States Arsenal at Harper's Ferry. His plan was to raise a Negro insurrection in the South, but he was taken and executed. Immediately the South flew into a raging passion, and refused to listen to any explanation, or overtures of peace or compromise.

The Democratic Nominating Convention of 1860 met at Charleston, South Carolina. The Douglas men, including all the Northern delegates, were for leaving the Slavery question to the Supreme Court. The Pro-Slavery men declared that Slave property should receive the protection of both the State and Nation. A third division held to the platform of 1856. The Douglas men were in a majority, and the Southern wing withdrew from the Convention, and the great Democratic Party had at last been disrupted by the Slavery question.

The Republican Convention was held at Chicago. Delegates were present from all the Free States, and also from Delaware, Maryland, Virginia, Kentucky, Missouri, and Texas. Lincoln was nominated for President, and Hannibal Hamlin for Vice-President.

There were now four candidates for the Presidency: John Bell, of Tennessee; John C. Breckenridge, of Kentucky; Stephen A. Douglas, of Illinois; and Abraham Lincoln, of Illinois. Lincoln carried all the Northern States except New Jersey, which cast

its electoral vote for Douglas. Bell carried Virginia, Tennessee and Kentucky. The remainder of the Southern States went for Breckenridge, excepting three electoral votes of Missouri, which were cast for Douglas. Lincoln received 180 electoral votes, the other candidates combined 103. The South had awaited the result with the greatest anxiety, and as soon as it was known, South Carolina took the lead in the movement for Secession. In the Convention, which she had called, by her Legislature, to meet in December, the action of that State's Convention, which had ratified the Constitution of the United States, was repealed. The other Southern States soon followed the example of South Carolina, excepting a few, who remained in the Union, until the beginning of open hostilities.

SECTION VI.

RE-UNION (1865-).

1. REFERENCES.

PRIMARY SOURCES:—Blaine. Twenty Years in Congress; McClellan. Republicanism in America; Congressional Record; Stevens. War between the States; Greeley. The American Conflict; Tourgee. Bricks without Straw, A Fool's Errand, Hot Ploughshares.

2. *RECONSTRUCTION.*

The war of the Rebellion and the subsequent reconstruction of the disloyal States settled forever the question of the right of a State to secede from the Federal Union. As soon as open hostilities began, it was seen that the rebellion must be put down, or the American nation would be but a myth. If one State, or a number of States could leave the Union at pleasure, who was to be responsible to foreign powers for the enforcement of treaties, and the performance of the functions of a national government, since no one could tell when or where the disintegration was to stop.

The injury to the nation's credit, and the general contempt for republican government, which the Secession of the Southern States caused in Europe, taught the American people the absurdity of the doctrine of State's Rights, and the absolute necessity of a strong centralized government. The reaction in favor of national union, which followed the war, and continued during the period of Reconstruction, obliterated the last vestiges of the "Nullification" and "Secession" doctrines, and defined the proper relation of the State in the Federal system.

The authority of the State and that of the Nation are each, within their own sphere, absolute. But the power of the State is circumscribed by its own boundaries. Within the territory of any State, also,

the Federal power is paramount, whenever questions of local interests and questions of national interests clash.

We have seen in this cursory review of the long contest between Union and Disunion, how both sets of principles originated from conditions, engendered by the manner in which the country was settled, and fostered by the climatic and physical peculiarities of the different sections of the country, and the consequent growth of institutions, customs, and doctrines.

The struggle was a long one, and severe, but it firmly established the question of the power and durability of republican government in America, and hence, demonstrated to the world the superior strength and utility of that form of government, thus paving the way for the future advancement of the human race in the achievement of the highest form of civilization.

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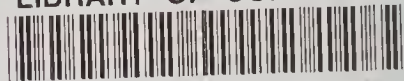
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